



2016/0280(COD)

28.4.2017

AMENDMENTS

473 - 672

Draft report
Therese Comodini Cachia
(PE601.094v01-00)

Copyright in the Digital Single Market

Proposal for a directive
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))

Amendment 473

Daniel Buda

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights *is* disproportionately low compared to the relevant revenues **and the benefits** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights **have become** disproportionately low compared to the relevant **net** revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the **economic** specificities **or other features and** practices of the different content sectors, **as well as the nature and importance of the contribution of the author, performer or executant of the work or the performance or rendering as a whole**. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. ro

Amendment 474

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the **relevant** revenues and the **benefits** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer **should** be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism ***which would be applicable*** for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the ***subsequent and unanticipated*** revenues and the ***net profit*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer ***may*** be entitled to bring a claim before a court or other competent authority. ***However, where agreements with collective management organisations are applicable or where agreements with individuals are already in place and enforced, the remuneration mechanism should not apply.***

Or. en

Amendment 475
Stefano Maullu

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, ***there should be*** a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant ***revenues and the benefits*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, a remuneration adjustment mechanism ***should be introduced*** for cases where the remuneration originally agreed under a licence or a transfer of rights is ***clearly*** disproportionately low compared to the ***unanticipated*** relevant ***net revenues*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority. ***Such remuneration adjustment mechanism should only apply to direct contractual parties. It should not apply when the contribution of the author or performer is not significant having regard the overall work or performance.***

Or. en

Amendment 476

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, Frédérique Ries, António Marinho e Pinto

Proposal for a directive Recital 42

(42) Certains contrats d'exploitation de droits harmonisés au niveau de l'Union sont de longue durée et offrent peu de possibilités aux auteurs, interprètes et exécutants de les renégocier avec leurs partenaires contractuels ou leurs ayants droit. Par conséquent, sans préjudice du droit applicable aux contrats dans les États membres, ***il conviendrait de*** mettre en place un mécanisme d'adaptation des rémunérations pour les cas où la rémunération initialement convenue dans le cadre d'une licence ou d'une cession de droits est exagérément faible par rapport aux recettes et bénéfices tirés de l'exploitation de l'œuvre ou de l'interprétation, notamment au regard de la transparence garantie par la présente directive. ***L'évaluation de la situation doit tenir compte des circonstances particulières de chaque cas ainsi que des spécificités et des pratiques des différents secteurs de contenus.*** Lorsque les parties ne parviennent pas à se mettre d'accord sur l'adaptation des rémunérations, l'auteur ou l'artiste, interprète ou exécutant doit avoir le droit d'introduire un recours devant un tribunal ou une autre autorité compétente.

(42) Certains contrats d'exploitation de droits harmonisés au niveau de l'Union sont de longue durée et offrent peu de possibilités aux auteurs, interprètes et exécutants de les renégocier avec leurs partenaires contractuels ou leurs ayants droit. Par conséquent, sans préjudice du droit applicable aux contrats dans les États membres, ***ces derniers pourraient*** mettre en place un mécanisme d'adaptation des rémunérations pour les cas où la rémunération initialement convenue dans le cadre d'une licence ou d'une cession de droits est exagérément faible par rapport aux recettes et bénéfices tirés de l'exploitation de l'œuvre ou de l'interprétation, notamment au regard de la transparence garantie par la présente directive. ***Il est en effet indispensable que la position contractuelle des auteurs, interprètes et exécutants soit renforcée afin qu'ils puissent bénéficier qu'une rémunération équitable et inaliénable et d'éviter tout déséquilibre de pouvoir entre les parties. Cette disposition ne s'applique que pour les parties directement liées par contrat.*** Lorsque les parties ne parviennent pas à se mettre d'accord sur l'adaptation des rémunérations, l'auteur ou l'artiste, interprète ou exécutant doit avoir le droit d'introduire un recours devant un tribunal ou une autre autorité compétente ***ou de mettre un terme à son contrat.***

Or. fr

Amendment 477

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 42

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***Such mechanism should allow authors and performers, individually or through representative organisations, to claim an additional and equitable remuneration.*** The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent ***judicial*** authority.

Or. en

Amendment 478
Pavel Svoboda

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are ***of long*** duration, offering ***few*** possibilities for authors and performers to renegotiate them with their contractual

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are ***for the entire*** duration ***of copyright***, offering ***no*** possibilities for authors and performers to renegotiate them

counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the **relevant** revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case **as well as** of the specificities **and practices** of the different **content** sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. **Collective bargaining should be considered as an option to reach an agreement.** The assessment of the situation should take account of the specific circumstances of each case **and** of the specificities of the different sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 479
Antanas Guoga, Eva Maydell

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) **Certain** contracts for the exploitation of rights harmonised at Union level are **of long** duration, offering **few** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is

Amendment

(42) **Most** contracts for the exploitation of rights harmonised at Union level are **for the entire** duration **of copyright**, offering **no** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is

disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. *The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors.* Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. *Collective bargaining should be considered as an option to reach an agreement.* Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 480

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the *unanticipated* relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and

different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 481
Antanas Guoga

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often **reluctant** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often **unable** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism. ***The dispute settlement resolution could also be agreed upon in collective agreements.***

Or. en

Amendment 482
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for **an** alternative dispute resolution procedure that addresses claims

Amendment

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for **a voluntary and public** alternative dispute resolution procedure

related to obligations of transparency and the contract adjustment mechanism.

that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Or. en

Amendment 483
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an *efficient* alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Or. en

Amendment 484
Julia Reda

Proposal for a directive
Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) There is in many cases a lack of information and availability of data regarding the holders of copyright and related rights, which prevents potential users of works to obtain a license to use or reproduce that work and directly remunerate the author or creator of that work. A centralised database should therefore be established to enable an easier identification of works subject to copyright and related rights, decrease

complexity and costs in authors and performers's rights administration and to facilitate the remuneration and payment of licenses to artists and performers for their work.

Or. en

Amendment 485

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 44

Text proposed by the Commission

(44) *Les objectifs de la présente directive, à savoir la modernisation de certains aspects du cadre de l'Union applicable au droit d'auteur* afin de tenir compte des progrès technologiques et des nouveaux canaux de distribution des contenus protégés *au sein du marché intérieur, ne peuvent être atteints de manière suffisante par les États membres mais peuvent, du fait de leur portée, de leurs effets et de leur dimension transfrontière, être mieux atteints au niveau de l'Union.* Celle-ci peut donc adopter des mesures conformément au principe de subsidiarité énoncé à l'article 5 du traité sur l'Union européenne. Conformément au principe de proportionnalité tel qu'énoncé audit article, la présente directive n'excède pas ce qui est nécessaire pour atteindre ces objectifs.

Amendment

(44) *Le droit d'auteur bénéficiant d'ores et déjà d'un cadre au niveau de l'Union, l'objectif de la présente directive, qui est d'en moderniser certains aspects* afin de tenir compte des progrès technologiques et des nouveaux canaux de distribution des contenus protégés, *justifie une action de l'Union sur ce sujet.* Celle-ci peut donc adopter des mesures conformément au principe de subsidiarité énoncé à l'article 5 du traité sur l'Union européenne. Conformément au principe de proportionnalité tel qu'énoncé audit article, la présente directive n'excède pas ce qui est nécessaire pour atteindre ces objectifs.

Or. fr

Amendment 486

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 45

Text proposed by the Commission

(45) La présente directive respecte les droits fondamentaux ***et observe les principes reconnus en particulier par la charte des droits fondamentaux de l'Union européenne***. Il y a donc lieu d'interpréter et d'appliquer la présente directive conformément à ces droits et principes.

Amendment

(45) La présente directive respecte les droits fondamentaux ***tels que prévus par les traditions constitutionnelles des Etats membres***. Il y a donc lieu d'interpréter et d'appliquer la présente directive conformément à ces droits et principes.

Or. fr

Amendment 487
Rosa Estaràs Ferragut

Proposal for a directive
Recital 47 a (new)

Text proposed by the Commission

Amendment

(47a) It is generally considered, including for the purposes of this Directive, that a work or other subject-matter protected by copyright has been communicated and/or made available to the public, as referred to in Article 3 of Directive 2001/29/EC, when the circle of persons able to access that work or subject-matter extends beyond the family or household in the narrow sense. It makes no difference whether those persons are actually in the same place or in different places, or whether they receive the work or subject-matter at the same time or at different times.

Or. es

Justification

A number of provisions are based on the concept of the right of communication to the public, a concept that has been variously addressed in case-law and that has led to a series of discrepancies between the interpretation made by the Court of Justice of the European Union (for example in case C-135/10 Del Corso or in the Reha Training case C-117/15) and by the

World Intellectual Property Organisation (taking account of the 2003 WIPO guide on international treaties).

Amendment 488

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.

Amendment

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. ***Without jeopardising the further changes likely to be made to the regulatory framework in the future in order to allow for technological developments***, it also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.

Or. it

Amendment 489

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. La présente directive ***fixe des règles visant à poursuivre l'harmonisation du*** droit de l'Union applicable au droit d'auteur et aux droits voisins ***dans le cadre du marché intérieur***, compte tenu, en particulier, des utilisations numériques ***et transfrontières*** des contenus protégés. Elle prévoit également des dispositions relatives

Amendment

1. La présente directive ***visé à moderniser le*** droit de l'Union applicable au droit d'auteur et aux droits voisins, compte tenu, en particulier, des utilisations numériques des contenus protégés. Elle prévoit également des dispositions relatives aux exceptions et limitations, à la facilitation des contrats de licences ainsi

aux exceptions et limitations, à la facilitation des contrats de licences ainsi que des règles destinées à assurer le bon ***fonctionnement du marché*** pour l'exploitation des œuvres et des autres objets protégés.

que des règles destinées à assurer le bon ***équilibre entre les intérêts de toutes les parties prenantes*** pour l'exploitation des œuvres et des autres objets protégés.

Or. fr

Amendment 490

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the ***exploitation*** of works and other subject-matter.

Amendment

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the ***enjoyment*** of works and other subject-matter.

Or. en

Amendment 491

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In addition, Member States shall harmonise the term of protection of copyright and related rights so that its duration does not exceed the current

international standards set out in the Berne Convention, taking into account the time needed to recoup an investment, the average commercial life of a work, and the public interest in the dissemination of creative works.

Or. it

Amendment 492

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

**Proposal for a directive
Article 1 – paragraph 2**

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 493

Julia Reda

**Proposal for a directive
Article 1 – paragraph 2**

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment 494

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, **2000/31/EC**, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment 495

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment 496

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Evelyn Regner, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The processing of personal data carried out within the framework of this Directive shall be subject to Directive 95/46/EC and the General Data Protection Regulation.

Or. en

Amendment 497

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

deleted

(a) on a non-for-profit basis or by reinvesting all the profits in its scientific research; or

(b) pursuant to a public interest mission recognised by a Member State;

Or. en

Amendment 498

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

Amendment

‘research organisation’ means a university ***including its libraries***, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

Or. de

Amendment 499

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

‘***research organisation***’ means a university, a research institute or any other organisation the primary goal of ***which is to conduct scientific research or to conduct scientific research and provide*** educational services:

Amendment

‘***educational establishment***’ means a ***school, college***, university, a research institute or any other organisation ***with*** the primary goal of ***providing*** educational services.

Or. en

Amendment 500

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct ***and support*** scientific research or to conduct scientific research and provide educational services:

Or. en

Amendment 501
Emil Radev

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct **and support** scientific research and provide educational services:

Or. bg

Amendment 502

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) *on a non-for-profit basis or by reinvesting all the profits in its scientific research; or*

Amendment

deleted

Or. en

Amendment 503

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) on a non-for-profit basis or by reinvesting all the profits in its **scientific research**; or

Amendment

(a) on a non-for-profit basis or by reinvesting all the profits in its **educational activities**; or

Amendment 504

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) "person" means a public or private entity or an individual.

Or. en

Amendment 505

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) pursuant to a public interest mission recognised by a Member State; *deleted*

Or. en

Amendment 506

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation; *deleted*

Amendment 507
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

*in such a way that the access to the results
generated by the scientific research
cannot be enjoyed on a preferential basis
by an undertaking exercising a decisive
influence upon such organisation;* *deleted*

Or. en

Amendment 508
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

in such a way that the access to the results
generated by the scientific research cannot
be enjoyed on a preferential basis by an
undertaking exercising a **decisive** influence
upon such organisation;

in such a way that the access to the results
generated by the scientific research cannot
be enjoyed on a preferential basis by an
undertaking exercising a **significant**
influence upon such organisation;

Or. en

Amendment 509
Tadeusz Zwiefka

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

(2) *'text and data mining' means any automated analytical technique aiming to analyse text and data in digital form in order to generate information such as patterns, trends and correlations;*

deleted

Or. en

Amendment 510

Victor Negrescu

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

(2) *'text and data mining' means any automated analytical technique aiming to analyse text and data in digital form in order to generate information such as patterns, trends and correlations;*

Amendment

(2) *'text and data mining' means any computational technique which analyses works and other subject matter in digital form in order to generate information including, but not limited to, inferences, insights, attributes, patterns, trends and correlations;*

Or. en

Amendment 511

Lidia Joanna Geringer de Oedenberg, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

(2) *'text and data mining' means any automated analytical technique aiming to analyse text and data in digital form in order to generate information such as patterns, trends and correlations;*

Amendment

(2) *'text and data mining' means any automated analytical technique which analyses works and other subject matter in digital form in order to generate information, including, but not limited to, patterns, trends and correlations.*

Or. en

Amendment 512

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

(2) «fouille de textes ***et de données***», toute technique d'analyse automatisée visant à analyser des textes ***et des données*** sous forme numérique afin d'en dégager des informations telles que des constantes, des tendances et des corrélations;

Amendment

(2) «fouille de textes », toute technique d'analyse automatisée visant à analyser des textes sous forme numérique afin d'en dégager des informations telles que des constantes, des tendances et des corrélations;

Or. fr

Amendment 513

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) ***"beneficiary" means any individual or entity, public or private, with lawful access to content;***

Or. en

Amendment 514

Julia Reda

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means ***a publicly accessible library or museum, an archive or a film or audio heritage institution;***

Amendment

(3) ‘cultural heritage institution’ means publicly accessible ***libraries, educational establishments and museums, as well as archives,*** film or audio heritage

*institutions and public-service
broadcasting organisations;*

Or. en

Amendment 515

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution;

Amendment

(3) ‘cultural heritage institution’ means a publicly accessible library, **gallery** or museum, an archive or a film or audio heritage institution **or public broadcaster;**

Or. en

Amendment 516

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) ‘public domain’ means the status of a work or other subject matter when the copyright and related rights therein :

(a) have expired, or

(b) have never existed, or

(c) have been voluntarily relinquished by rightholders;

Or. en

Amendment 517

Julia Reda

Proposal for a directive
Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) "user generated content" means an image, a set of moving images with or without sound, a phonogram, text, software, data, or a combination of the above, which is uploaded to an online service by one or more users;

Or. en

Amendment 518

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) 'press publication' means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

deleted

Or. en

Amendment 519

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Benedek Jávor,

Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) *‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.* *deleted*

Or. en

Amendment 520
József Szájer, Andrea Bocskor

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) *‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a* *deleted*

newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Or. en

Justification

The planned new neighbouring right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright, but on certain other criteria.

Amendment 521

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**Proposal for a directive
Article 2 – paragraph 4**

Text proposed by the Commission

Amendment

(4) ‘press publication’ means a *deleted*
fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Or. en

Amendment 522

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature ***produced by one or several authors***, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Or. de

Amendment 523
Julia Reda

Proposal for a directive
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) 'Out of commerce work' means a work or other subject-matter that is not available to the public through customary channels of commerce, and it refers to both works that have previously been available commercially and works that have never been commercially available;

Or. en

Amendment 524
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) *'significant amount' means fairly large in quantity or relevant in quality in the sense of importance of the uploaded copyright protected works for the creative sector or the users;*

Or. en

Amendment 525

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) *"lawful access" means access to content acquired with the consent of the rightholder;*

Or. en

Amendment 526

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 bis

(5) *« accès légal », accès à un contenu acquis dans le respect de la législation en vigueur;*

Or. fr

Amendment 527

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

**Proposal for a directive
Article 2 b (new)**

Text proposed by the Commission

Amendment

Article 2 ter

(6) « service automatisé de référencement d'images », tout service en ligne dans le cadre duquel sont reproduits ou mis à disposition du public, à des fins d'indexation et de référencement, des oeuvres graphiques, plastiques ou photographiques collectées de manière automatisée à partir de service en ligne tiers.

Or. fr

Amendment 528

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

**Proposal for a directive
Title 3**

Text proposed by the Commission

Amendment

**MESURES VISANT À ADAPTER LES
EXCEPTIONS ET LIMITATIONS À
L'ENVIRONNEMENT NUMÉRIQUE *ET*
*TRANSFRONTIÈRE***

**MESURES VISANT À ADAPTER LES
EXCEPTIONS ET LIMITATIONS À
L'ENVIRONNEMENT NUMÉRIQUE**

Or. fr

Amendment 529

Tadeusz Zwiefka

**Proposal for a directive
Article 3**

Text proposed by the Commission

Amendment

Article 3

deleted

Text and data mining

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

4. Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Justification

The potential of content mining techniques should be recognized and should contribute to breakthroughs in research. Stakeholders should collaborate to create and improve user-friendly platforms to facilitate the access to text and data mining licences and material. Universities and research facilities are already granted free licences to screen texts and search for data. The commercial use of TDM seems to be regulated by the market, therefore there is no need to introduce the new exception which add no value to the already existed practice.

Amendment 530

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 3 – title

Text proposed by the Commission

Fouille de textes *et de données*

Amendment

Fouille de textes

Or. fr

Amendment 531

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations *in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.*

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations.

Or. en

Amendment 532

Victor Negrescu

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by *research organisations* in order to carry

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2, **3 and 4** of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by *any natural or legal person* in order to carry

out text and data mining of works or other *subject-matter* to which *they have* lawful access for the *purposes of scientific research*.

out text and data mining of works or other *subject matter* to which *the person performing such acts has* lawful access, and for the *incidental inclusion of such works and other subject matter in other material in accordance with fair practice*.

Or. en

Amendment 533
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made *by research organisations* in order to carry out text and data mining of works or other subject-matter to which they have lawful access for *the purposes of scientific research*.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter to which they have lawful access for *non-commercial research* purposes. *Member States may continue to provide text and data mining exceptions in accordance with Article 5 (3) (a) of Directive 2001/29/EC.*

Or. en

Amendment 534
Jens Rohde

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in

Amendment

1. Member States shall provide for an exception to the rights provided for in

Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations, **public libraries and cultural heritage institutions** in order to carry out text and data mining of works or other subject-matter to which they have **acquired** lawful access for the **sole** purposes of scientific research.

Or. en

Justification

Libraries with a public mandate and cultural heritage institutions should equally benefit from the exception if they are using the possibility of text and data mining for scientific research purposes. A reference to the concept of Article 5 of the Software Directive 2009/24/EC seems appropriate to limit the application to content which is acquired in a lawful manner.

Amendment 535

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Les États membres prévoient une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, et à l'article 11, paragraphe 1, de la présente directive pour les reproductions et extractions effectuées par des organismes de recherche, en vue de procéder à une fouille de textes et de données sur des œuvres ou autres objets protégés auxquels ils ont légitimement accès à des fins de recherche scientifique.

Amendment

1. Les États membres prévoient une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, et à l'article 11, paragraphe 1, de la présente directive pour les reproductions et extractions effectuées par des organismes de recherche, en vue de procéder à une fouille de textes et de données sur des œuvres ou autres objets protégés **avec le consentement des ayant droits** auxquels ils ont légitimement accès à des fins **non commerciales** de recherche scientifique.

Or. fr

Amendment 536

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC **and** Article 11(1) of this Directive for reproductions and extractions made by **research organisations** in order to carry out text and data mining of works or other subject-matter to which they have **lawful** access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 11(1) of this Directive **and Article 4(1)(a) of Directive 2009/24/EC** for reproductions and extractions made by **persons or legal entities** in order to carry out text and data mining of works or other subject-matter to which they have **authorised** access for the purposes of scientific research.

Or. en

Amendment 537

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have **acquired** lawful **licence-based** access for the purposes of **non-commercial** scientific research.

Or. en

Amendment 538

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made **by research organisations** in order to carry out text and data mining of works or other subject-matter **to which they have lawful access for the purposes of scientific research**.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter. ***This includes, for the sole purpose of text and data mining, the permission to extract contents of databases and to make reproductions.***

Or. en

Amendment 539

Jytte Guteland

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations ***and cultural heritage institutions*** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. en

Justification

The proposal to introduce a mandatory exemption for text and data mining is positive and recognize the great potential in this area in terms of research and innovation. This proposal should however be extended to cultural heritage institutions that act on behalf of the public interest.

Amendment 540

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of ***non-commercial use, such as*** scientific research, ***for example***.

Or. de

Amendment 541

Constance Le Grip

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out

text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

text and data mining of works or other subject-matter to which they have *acquired* lawful access for the purposes of scientific research.

Or. en

Amendment 542

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions *made by research organisations* in order to carry out text and data mining of works or other subject-matter to which *they have* lawful access for the *purposes of scientific research*.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions in order to carry out text and data mining of works or other subject-matter to which *a* lawful access *is acquired* for the *sole purpose of text and data mining*.

Or. en

Amendment 543

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in **Article 2** of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made *by*

Amendment

1. Member States shall provide for an exception to the rights provided for in **Articles 2, 3 and 4** of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, and Article 11(1) of this Directive for reproductions and extractions,

research organisations in order to carry out text and data mining of works or other subject-matter *to which they have lawful access for the purposes of scientific research*.

made in order to carry out text and data mining of works or other subject-matter *as long as the body performing these acts has lawful access*.

Or. en

Amendment 544

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Les États membres *prévoient* une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, et à l'article 11, paragraphe 1, de la présente directive pour les reproductions et extractions effectuées par des organismes de recherche, en vue de procéder à une fouille de textes *et de données* sur des œuvres ou autres objets protégés auxquels ils ont légitimement accès à des fins de recherche scientifique.

Amendment

1. Les États membres *peuvent prévoir* une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, et à l'article 11, paragraphe 1, de la présente directive pour les reproductions et extractions effectuées par des organismes de recherche, en vue de procéder à une fouille de textes sur des œuvres ou autres objets protégés auxquels ils ont légitimement accès à des fins de recherche scientifique..

Or. fr

Amendment 545

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, **Article 4 (1) of Directive 2009/24/EC** and Article

reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter *to which they have lawful access for the purposes of scientific research*.

11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter *lawfully accessed*.

Or. en

Amendment 546

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall encourage rightholders who market works or other subject-matter primarily for research purposes, to allow research organisations, not having lawful access to those works or other subject-matter to access datasets that enable them to carry out only text and data mining. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as this compensation is reasonable. Member States shall promote stakeholder dialogue between the rightholders for other formats and types of content, research organisations and representatives of users in order to promote meaningful access to usable information for text and data mining elsewhere.

Or. en

Amendment 547

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide for rightholders who market works or other subject-matter primarily for research purposes, to have an obligation to allow research organisations not having lawful access to those works or other subject-matter access to datasets that are optimised for enabling them to carry out text and data mining on all aspects of the works. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as that compensation is related to the cost of formatting these datasets and does not exceed what is necessary and appropriate to cover those costs.

Or. en

Amendment 548

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

**Proposal for a directive
Article 3 – paragraph 2**

Text proposed by the Commission

Amendment

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

2. Any contractual provision ***or legal protection of technological measures*** contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 549

Angelika Niebler, Christian Ehler, Axel Voss

**Proposal for a directive
Article 3 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Copies of content obtained in accordance with the provisions of paragraph 1 may be stored and preserved in a secure way for the duration of the research. Research organisations shall delete the content reproduced for the purpose of text and data mining once all the activities necessary for the research have been performed.

Or. de

Amendment 550

József Szájer, Andrea Bocskor

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Research organisations shall delete the reproductions of the works or other subject-matter made pursuant to paragraph 1 once the text and data mining acts necessary for the purposes of scientific research have been carried out.

Or. en

Justification

The dissemination of protected works shall be avoided.

Amendment 551

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are

3. Rightholders shall **not** be allowed to apply measures to **prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1,**

hosted. Such measures shall not *go beyond* what is necessary to *achieve that* objective.

unless such measures are to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted *may be applied*. Such measures shall not *exceed* what is necessary to *pursue the* objective of *ensuring the security of the system and shall not undermine the effective application of the exception. These measures shall not prevent or unreasonably restrict the ability to text and data mine or the ability to develop text and data mining tools different from those offered by the right holders as long as the security of the networks and databases are protected*.

Or. en

Amendment 552

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall *not* be allowed to apply *technological* measures to *prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless to* ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall *be transparent, non-discriminatory, proportionate, shall* not go beyond what is necessary to achieve that objective *and be justified by objective reasons*.

Or. en

Amendment 553

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall **not** be allowed to apply ***technological*** measures to ***prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless to*** ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures ***shall be transparent, non-discriminatory, proportionate and*** shall not go beyond what is necessary to achieve that objective.

Or. en

Amendment 554

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ***ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.***

Amendment

3. Rightholders shall **not** be allowed to apply measures to ***technologically limit the right to exercise the exception adopted pursuant to paragraph 1.***

Or. en

Amendment 555

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ***ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.***

Amendment

3. Rightholders shall ***not*** be allowed to apply measures to ***prevent or to hinder beneficiaries from benefiting from the exception provided in paragraph 1***

Or. en

Amendment 556

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Copies of content obtained for mining text and data shall be stored or preserved in a controlled and protected way, for a reasonable period of time, in the sole purpose of verification of results. Any copies of content obtained for mining text and data which are stored or preserved for longer than what is reasonable, shall constitute infringing copies.

Or. en

Amendment 557

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall encourage rightholders and ***research organisations*** to define commonly-agreed best practices

4. Member States shall encourage rightholders and ***beneficiaries*** to define commonly-agreed best practices ***across the***

concerning the application of the measures referred to in paragraph 3.

*Union concerning the **development of technologies implementing the exception provided for in paragraph 1 as well as the application of the measures referred to in paragraph 3. These best practices shall be made easily and effectively accessible to the public.***

Or. en

Amendment 558

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and **research organisations** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and **educational establishments** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Amendment 559

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall **encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.**

Amendment

4. Member States shall **designate a facility to safely store datasets used for text and data mining and to make them accessible for verification purposes.**

Or. en

Amendment 560

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders ***and research organisations to define commonly-agreed best practices concerning the application*** of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders ***to make technological measures that might have an impact upon use of the exception provided for*** in paragraph 1, ***transparent to the public.***

Or. en

Amendment 561

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and ***research organisations*** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and ***beneficiaries*** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Amendment 562

Daniel Buda

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Reproductions of works or other protected subject matter, made in accordance with paragraph 1, must be safely stored against unauthorised access

for the period necessary to carry out text and data mining for the purpose of scientific research and must be deleted at the end of the proceedings.

Any reproductions of works or other protected subject matter used for text and data mining that are stored or preserved for longer than necessary shall be regarded as counterfeit copies.

Or. ro

Amendment 563

Jean-Marie Cavada, Robert Rochefort, Joëlle Bergeron, António Marinho e Pinto

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Les copies du contenu accessible dans le cadre de la fouille de textes et de données doivent être conservées de manière sécurisée. Elles ne peuvent être ni stockées ni conservées sous quelque forme que ce soit au-delà de la fin du projet nécessitant la fouille de textes et de données. Toute copie conservée ou stockée plus de 6 mois après la fin du projet sera considérée comme une copie illicite.

Or. fr

Amendment 564

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Research data, including research articles, produced with public funding shall be made available in an open format optimised for enabling text and data mining, without licence restrictions on the re-use of such data.*

Or. en

Amendment 565

Jiří Maštálka

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Member States shall designate a facility to store scientific datasets used in research by text and data mining technologies securely and to make such datasets accessible only for verification purposes.*

Or. en

Amendment 566

József Szájer, Andrea Bocskor

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Member States may provide for fair compensation for the harm incurred by rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.*

Or. en

Justification

Such an approach could also consider the differences between the Member States in this area and would leave them a possibility to adjust their system even after the implementation of the Directive, according to future experiences and developments.

Amendment 567

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Right to impose private copying levies

Member States shall regulate the right to impose private copying levies in order to ensure that citizens are informed about the actual amount to be levied, the purpose of the levy, and the ways in which it is to be used.

Or. it

Amendment 568

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in digital and cross-border teaching activities

Use of works and other subject-matter in digital and cross-border teaching activities
and scientific research

Or. en

Amendment 569

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in
digital and cross-border teaching activities

Use of works and other subject-matter in
teaching activities

Or. en

Amendment 570
Julia Reda

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in
digital and cross-border teaching
activities

Use of works and other subject-matter in
research and education activities

Or. en

Amendment 571
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Amendment

Utilisation d'œuvres et d'autres objets
protégés dans le cadre d'activités
d'enseignement numériques *et*
transfrontières

Utilisation d'œuvres et d'autres objets
protégés dans le cadre d'activités
d'enseignement numériques

Or. fr

Amendment 572
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research, including private study***, to the extent justified by the non-commercial purpose to be achieved, provided that the use ***is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.***

Or. en

Amendment 573

Constance Le Grip

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter, ***or extracts of it, with the exception of sheet music and materials primarily intended for the educative market***, for the sole purpose of illustration for teaching, to the extent ***and duration*** justified by the non-commercial purpose to be achieved,

provided that the use:

Or. en

Amendment 574

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella, Robert Rochefort

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter ***or extract thereof, except for contents that are primarily intended to the educational and musical scores markets***, for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 575

Julia Reda

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of

this Directive in order to allow for the **digital** use of works and other subject-matter for the sole purpose of **illustration for teaching, to the extent justified by the non-commercial purpose to be achieved**, provided that the use:

this Directive in order to allow for the use of works and other subject-matter for the sole purpose of **research and education**, provided that the use:

Or. en

Amendment 576

Josef Weidenholzer, Evelyn Regner

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, **to the extent justified by the non-commercial purpose to be achieved**, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, provided that the use:

Or. en

Amendment 577

Jean-Marie Cavada, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Les États membres prévoient une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a), et à

Amendment

1. Les États membres prévoient une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a), et à

l'article 7, paragraphe 1, de la directive 96/9/CE, à ***l'article 4, paragraphe 1, de la directive 2009/24/CE*** et à l'article 11, paragraphe 1, de la présente directive pour permettre l'utilisation numérique des œuvres et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement, dans la mesure justifiée par l'objectif non commercial à atteindre, à condition que cette utilisation:

l'article 7, paragraphe 1, de la directive 96/9/CE, à et à l'article 11, paragraphe 1, de la présente directive pour permettre l'utilisation numérique des œuvres et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement, dans la mesure justifiée par l'objectif non commercial à atteindre, à condition que cette utilisation:

Or. fr

Amendment 578
Emil Radev

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. bg

Amendment 579
Antanas Guoga, Eva Maydell

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 580

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 581

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Les États membres prévoient une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive pour permettre l'utilisation numérique **des œuvres** et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement, dans la mesure justifiée par l'objectif non commercial à atteindre, à condition que cette utilisation:

Amendment

1. Les États membres prévoient une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive pour permettre l'utilisation numérique **d'extraits d'œuvres** et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement, dans la mesure justifiée par l'objectif non commercial à atteindre, à condition que cette utilisation:

Or. fr

Amendment 582

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for **the sole purpose of illustration for teaching**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for **educational purposes**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 583

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

–a is limited, for written works, printed and digital, to short parts of a work or small scale works and individual articles from newspapers and periodicals which are not made available individually and separately by right holders,

Or. en

Amendment 584

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

–a soit limitée, pour les œuvres écrites, imprimées et numériques, à de courts extraits ou à de petites œuvres ;

Or. fr

Amendment 585

Julia Reda

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils ***deleted***

or students and teaching staff;

Or. en

Amendment 586

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

deleted

Or. en

Amendment 587

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or ***a cultural heritage institution*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff ***or registered members of a cultural heritage institution who are enrolled into the non-formal education activities provided by a cultural heritage institution;***

Or. en

Amendment 588

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) ait lieu dans les locaux d'un établissement d'enseignement ou au moyen d'un réseau électronique sécurisé accessible uniquement aux élèves, aux étudiants et au personnel enseignant de cet établissement;

Amendment

(a) ait lieu dans les locaux d'un établissement d'enseignement ou au moyen d'un réseau électronique sécurisé accessible uniquement aux élèves, aux étudiants et au personnel enseignant de cet établissement, ***et pour la durée nécessaire à l'illustration du cours.***

Or. fr

Amendment 589

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) ***ait lieu dans les locaux*** d'un établissement d'enseignement ***ou au moyen d'un*** réseau électronique sécurisé accessible uniquement aux élèves, aux étudiants et au personnel enseignant de ***cet établissement***;

Amendment

(a) ***se déroule sur les lieux où se déroulent les activités d'enseignement*** d'un établissement d'enseignement ***reconnu par l'État membre dans lequel il est établi ou par un*** réseau électronique sécurisé accessible uniquement aux élèves ***ou*** aux étudiants et au personnel enseignant de ***l'établissement d'enseignement***;

Or. fr

Amendment 590

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or ***other educational venue, such as cultural heritage institutions, research organizations, or*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Or. en

Amendment 591

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or ***other educational venue, such as cultural heritage institutions, or*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Or. en

Amendment 592

Jens Rohde

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network, ***including through a secure network access by the dedicated users on their own devices,*** accessible only by the educational

establishment's pupils or students and teaching staff;

Or. en

Justification

Already Directive 2001/29/EC allows for access at “dedicated terminals”. This approach needs modernisation.

Amendment 593

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff ***directly involved in the teaching activities where the work is being used;***

Or. en

Amendment 594

Emil Radev

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) ***takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;***

Amendment

(a) ***is restricted to the specifically limited circle of those taking part in the teaching activity, such as pupils or students and teaching staff, or registered members of a cultural heritage institution involved in non-formal education;***

Or. bg

Amendment 595

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or *through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff*;

Amendment

(a) takes place on the premises of an educational establishment or *on the premises of an entity providing educational activities or through a secure electronic communications network*;

Or. en

Amendment 596

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) *is limited to the duration justified by the illustrative purpose*;

Or. en

Amendment 597

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.*

deleted

Amendment 598

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) s'accompagne d'une indication de la source, notamment le nom de l'auteur, sauf si cela s'avère impossible.

Amendment

(b) *soit limitée aux courts extraits d'œuvres écrites imprimées et numériques, d'œuvres éditées en petit nombre, aux articles individuels de journaux et de périodiques qui ne soient pas accessibles individuellement et séparément par les ayant droit et* s'accompagne d'une indication de la source, notamment le nom de l'auteur sauf si cela s'avère impossible

Amendment 599

Jens Rohde

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) is accompanied by the indication of the source, including the author's name, unless this *turns out to be impossible*.

Amendment

(b) is accompanied by the indication of the source, including the author's name, unless this *cannot be ascertained without disproportionate effort*.

Justification

In order not to allow too much bureaucracy the introduction of an effort limitation seems adequate.

Amendment 600

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) *s'accompagne d'une indication* de la source, **notamment le** nom de l'auteur, sauf si cela s'avère impossible.

Amendment

(b) *soit accompagnée de l'indication* de la source, **y compris du** nom de l'auteur, sauf si cela s'avère impossible.

Or. fr

Amendment 601

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

L'exception prévue au paragraphe 1 doit pouvoir permettre l'accès au cours de manière numérique tant dans le pays où se situe l'établissement où est donné le cours que dans celui où se trouve l'élève.

Or. fr

Amendment 602

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Toute disposition contractuelle contraire à l'exception prévue au paragraphe 1 est inapplicable. L'exception prévue au paragraphe 1 ne s'applique pas aux cas où des licences sont disponibles.

Amendment 603

Julia Reda

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide that any contractual provision contrary to the exception or limitation adopted pursuant to paragraph 1 shall be unenforceable.

Or. en

Amendment 604

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.

Or. en

Amendment 605

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other

deleted

subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. en

Amendment 606
Julia Reda

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market. *deleted*

Or. en

Amendment 607
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards *deleted*

specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Or. en

Amendment 608
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

deleted

Or. en

Amendment 609
Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Amendment 610
Daniel Buda

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 ***and adapted to the specific needs and requirements of educational establishments*** are easily available in the market.

Amendment 611
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Les États membres ***peuvent prévoir*** que l'exception adoptée ***conformément au*** paragraphe 1 ne s'applique pas de ***façon*** générale ou ***à certains*** types d'œuvres ou ***autres*** objets ***protégés, si*** des licences ***appropriées*** autorisant les actes décrits au paragraphe 1 ***peuvent*** facilement ***être obtenues*** sur le marché.

Amendment

Les États membres ***prévoient*** que l'exception adoptée ***en application du*** paragraphe 1 ne s'applique pas de ***manière*** générale ou ***en ce qui concerne des*** types ***spécifiques*** d'œuvres ou ***d'autres*** objets, ***dans la mesure où*** des licences ***adéquates*** autorisant ***au moins*** les actes décrits au paragraphe 1 ***sont*** facilement ***disponibles*** sur le marché.

Amendment 612

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are *easily* available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are available in the market.

Or. en

Amendment 613

Constance Le Grip

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that *adequate* licences authorising the acts described in paragraph 1 are *easily* available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that licences authorising the acts described in paragraph 1 are available in the market.

Or. en

Amendment 614

Julia Reda

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall

Amendment

deleted

take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. en

Amendment 615

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

deleted

Or. en

Amendment 616

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

deleted

Or. en

Amendment 617

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments *and cultural heritage institutions*.

Or. en

Amendment 618

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments *and cultural heritage institutions*.

Or. en

Amendment 619

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Les États membres *qui recourent à la disposition du premier alinéa prennent les mesures nécessaires à la disponibilité et à la bonne visibilité des licences autorisant les actes décrits au paragraphe 1 pour les établissements d'enseignement.*

Les États membres *peuvent exclure de l'exception ou de la limitation prévue au paragraphe 1 les matériels principalement destinés au marché de l'éducation.*

Or. fr

Amendment 620

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraphe 2 – subparagraph 2

Text proposed by the Commission

Amendment

Les États membres *qui recourent à la disposition du premier alinéa* prennent les mesures nécessaires à la disponibilité et à la bonne visibilité des licences autorisant les actes décrits au paragraphe 1 pour les établissements d'enseignement.

Les États membres prennent les mesures nécessaires à la disponibilité et à la bonne visibilité des licences autorisant les actes décrits au paragraphe 1 pour les établissements d'enseignement.

Or. fr

Amendment 621

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraphe 2 a (new)

Text proposed by the Commission

Amendment

2a. Aux fins de l'application du paragraphe 2, les États membres contribuent activement à assurer la disponibilité des licences autorisant au moins les actes visés au paragraphe 1, par exemple en acquérant des licences collectives pour le compte des établissements d'enseignement établis sur

leur territoire ou en facilitant le dialogue entre les titulaires de droits et les établissements d'enseignement en vue d'établir des autorisations spécifiques autorisant les actes visés au paragraphe 1.

Les États membres veillent à la visibilité des licences autorisant les actes visés au paragraphe 1 par des outils appropriés, tels qu'un portail unique ou une base de données accessible aux établissements d'enseignement, où les licences disponibles sont énumérées et mises à jour.

Or. fr

Amendment 622

József Szájer, Andrea Bocskor

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the purposes of applying paragraph 2, Member States shall actively assist in facilitating dialogue between rightholders and educational establishments with a view to establishing specific licences authorising the acts described in paragraph 1. Member States may be encouraged to ensure the visibility of the licences authorising the acts described in paragraph 1 through appropriate tools, such as a single portal or database accessible to educational establishments, where the available licences shall be listed and kept up-to-date.

Or. en

Justification

The amendment would increase the accessibility of licences, however, at the same time, the decision would be left to Member States which tools they consider to be appropriate. E.g.

developing a single portal or database should be carried out on a voluntary basis, since not every Member State has the capacity (or the funding) to develop such tools.

Amendment 623

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic ***communications*** networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment ***or the entity providing educational activities*** is established.

Or. en

Amendment 624

Kosma Złotowski

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational ***establishment*** is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***person or entity providing the educational activity*** is established.

Or. en

Amendment 625

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. L'utilisation **des œuvres** et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement au moyen de réseaux électroniques sécurisés, lorsqu'elle a lieu en conformité avec les dispositions de droit interne adoptées en application du présent article, est réputée avoir lieu uniquement dans l'État membre dans lequel l'établissement d'enseignement est établi.

Amendment

3. L'utilisation **d'extraits d'oeuvres** et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement au moyen de réseaux électroniques sécurisés, lorsqu'elle a lieu en conformité avec les dispositions de droit interne adoptées en application du présent article, est réputée avoir lieu uniquement dans l'État membre dans lequel l'établissement d'enseignement est établi.

Or. fr

Amendment 626

Julia Reda

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of **illustration for teaching through secure electronic networks** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational **establishment is established**.

Amendment

3. The use of works and other subject-matter for the sole purpose of **research or education online** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State **from** where the educational **activity originates**.

Or. en

Amendment 627

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***through secure electronic networks*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***educational establishment*** is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research, including private study***, undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***beneficiary*** is established.

Or. en

Amendment 628
Julia Reda

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. ***Member States shall ensure that rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works or other subject-matter that they may choose.*** Member States may provide for fair compensation for the ***demonstrable*** harm incurred by the rightholders due to the use of their works or other subject-matter ***pursuant to paragraph 1, provided that it does not go beyond what is necessary and proportionate to compensate such demonstrable harm, and that rightholders do not require that the beneficiaries of the exception or limitation referred to in paragraph 1 provide information on individual uses made*** pursuant to paragraph 1.

Or. en

Amendment 629
Jens Rohde

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1. ***Any such compensation shall be paid in a lump-sum.***

Or. en

Justification

Single entries would inadequate for higher-education institutions and single entry requirements would lead to disproportionate bureaucracy.

Amendment 630
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for ***the harm incurred by the*** rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for ***any unreasonable prejudice to the legitimate interests of*** rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 631
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Member States **may** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States **shall** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 632

Antanas Guoga

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Member States **may** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States **shall** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 633

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Les États membres **peuvent** prévoir une compensation équitable du préjudice subi par les titulaires de droits du fait de l'utilisation de leurs œuvres ou autres objets protégés au titre du paragraphe 1.

Amendment

4. Les États membres **doivent** prévoir une compensation équitable du préjudice subi par les titulaires de droits du fait de l'utilisation de leurs œuvres ou autres objets protégés au titre du paragraphe 1.

Or. fr

Amendment 634
Kosma Zlotowski

Proposal for a directive
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that the rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works or other subject-matter that they may choose.

Or. en

Amendment 635
Julia Reda

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Amendment

Preservation of cultural heritage

Reproduction by cultural heritage institutions and educational establishments, including cross-border activities

Or. en

Amendment 636
Evelyn Regner, Josef Weidenholzer

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Amendment

Preservation of cultural heritage

Preservation of cultural heritage ***and safeguarding the Public Domain***

Amendment 637
Jens Rohde

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Preservation of cultural heritage

Amendment

Preservation **and accessibility** of cultural heritage

Or. en

Justification

The Article should not only provide for rules on the preservation but also on the public procurement of our cultural heritage by entrusted public institutions in the framework of their subscribed mandate.

Amendment 638
Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, **research organizations or educational establishments** to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such **reproduction, for the purpose of, individually or collaboratively with others,**

carrying out their public interest mission in preservation, research, culture, education and teaching.

Or. en

Amendment 639
Emil Radev

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, **research organisations and educational establishments** to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary, **with the aim of carrying out, either alone or in association with others, their public interest mission of preservation, research, culture, education or training.**

Or. bg

Amendment 640
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Les États membres prévoient une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à

Amendment

Les États membres prévoient une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à

l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive, permettant aux institutions de gestion du patrimoine culturel de réaliser des copies de toute œuvre ou tout autre objet protégé qui se trouve en permanence dans leurs collections, quel que soit sa forme ou son support, à la seule fin de la préservation de ces œuvres et autres objets protégés et dans la mesure nécessaire à cette préservation.

l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive, permettant aux institutions de gestion du patrimoine culturel **désignés comme tel par leur Etat membre**, de réaliser des copies de toute œuvre ou tout autre objet protégé qui se trouve en permanence dans leurs collections, quel que soit sa forme ou son support, **à condition qu'il ne soit pas raisonnablement possible d'acquérir une copie de ces oeuvres ou autres objets protégés** à la seule fin de la préservation de ces œuvres et autres objets protégés et dans la mesure nécessaire à cette préservation.

Or. fr

Amendment 641
Julia Reda

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are **permanently** in their collections, in any format or medium, **for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such** preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions **or educational establishments** to make copies of any works or other subject-matter that are in their collections **or publicly accessible on the Internet**, in any format or medium, **to the extent necessary for such reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission in preservation, research, culture, education and teaching.**

Or. en

Amendment 642
Jens Rohde

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter ***and to the extent necessary for such preservation.***

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, ***including museums,*** to make copies of ***and allow access through a secure electronic network to*** any works or other subject-matter that are permanently in their collections ***or that they might legally acquire in the future,*** in any format or medium, for the sole purpose of ***and to the extent necessary for*** the preservation of such works or other subject-matter ***as well as for cultural imparting.***

Or. en

Justification

An exception for the preservation of the cultural heritage should be complemented by an exemption for public cultural imparting of cultural heritage institutions within their prescribed public tasks.

Amendment 643

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Josef Weidenholzer

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in

Amendment

Member States shall provide for an exception to the rights provided for in

Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions ***or educational facilities***, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 644
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections ***or use the facilities of third parties to do so***, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 645
Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the *sole* purpose of the preservation of such works or other subject-matter *and to the extent necessary for such preservation*.

Amendment

Member States, *taking into account the fact that the dissemination of culture and knowledge is in the public interest*, shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the purpose of the preservation, *consultation, or cataloguing* of such works or other subject-matter.

Or. it

Amendment 646

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Les États membres *prévoient* une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive, permettant aux institutions de gestion du patrimoine culturel de réaliser des copies de toute œuvre ou tout autre objet protégé qui se trouve en permanence dans leurs collections, quel que soit sa forme ou son support, à la seule fin de la préservation de ces œuvres et autres objets protégés et dans la mesure nécessaire à cette préservation.

Amendment

Les États membres *peuvent prévoir* une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive, permettant aux institutions de gestion du patrimoine culturel *et aux bibliothèques* de réaliser des copies de toute œuvre ou tout autre objet protégé qui se trouve en permanence dans leurs collections, quel que soit sa forme ou son support, à la seule fin de la préservation de ces œuvres et autres objets protégés et dans la mesure nécessaire à cette préservation.

Amendment 647

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation , ***without modifying them.***

Or. en

Amendment 648

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Les oeuvres en permanence dans une collection, sont les oeuvres qui sont la propriété de l'institution de gestion du patrimoine culturel, et non des oeuvres qui sont sous licence et accessibles via un serveur tiers.

Or. fr

Amendment 649

József Szájer, Andrea Bocskor

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purpose of enjoying the exception under the first paragraph of this Article, cultural heritage institutions may request that another cultural heritage institution or a service provider perform on their behalf the act of copying or digitising the works or other subject-matter that are permanently in the collection of the requesting cultural heritage institution, provided that no such copies shall remain available by the requested institution or service provider.

Or. en

Amendment 650

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall recognise that once a work is in the public domain because the copyright and related rights therein have expired or never existed, faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitalisation, shall equally not be subject to copyright or related rights.

Or. en

Amendment 651

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Josef Weidenholzer

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall recognise that once a work is in the public domain because the copyright and other related rights therein have expired or never existed, accurate reproductions in full or in part of that work shall not be subject to copyright or related rights.

Or. en

Amendment 652

Julia Reda

Proposal for a directive

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall recognise that once a work is in the public domain because the copyright and related rights therein have expired or never existed, faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitisation, shall equally not be subject to copyright or related rights.

Or. en

Amendment 653

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Les services automatisés de référencement d'images sont aussi susceptibles d'être concernés par cette exception pour permettre la préservation de ces œuvres ou objets protégés, dans la mesure nécessaire à cette préservation.

Or. fr

Amendment 654

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.

Or. en

Amendment 655

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 656

Julia Reda

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 657
Julia Reda

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Document delivery by cultural heritage institutions and educational establishments

1. Member States shall provide an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions or educational establishments to make reproductions in any format or medium upon request, for the sole purpose of a person's scientific research or private study, as long as the source, including the author's name is indicated, unless inclusion of the name is impractical.

2. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 658

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 bis

Utilisation d'extraits d'oeuvres et d'autres objets protégés préexistants dans des contenus chargés ou mis à disposition par les utilisateurs

(1) Les Etats membres prévoient une exception aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a et à l'article 7, paragraphe 1 de la directive 96/9/CE et à l'article 4 paragraphe 1 point a de la directive 2009/24/CE pour permettre l'utilisation d'extraits d'œuvres et d'autres objets protégés préexistants dans des contenus chargés ou mis à disposition par les utilisateurs, lorsqu'ils n'agissent pas à titre professionnel, à des fins de critique, de commentaire, d'illustration, de caricature, de parodie ou de pastiche à condition que ces extraits :

(a) concernent des œuvres ou autres objets protégés ayant été licitement mis à la disposition du public;

(b) s'accompagnent d'une indication de la source, notamment le nom de l'auteur, sauf si cela s'avère impossible; et,

(c) soient conformes aux bons usages et utilisés dans la mesure justifiée par le but poursuivi.

(2) Toute disposition contractuelle contraire à l'exception prévue au présent article est sans effet.

(3) Cette exception est sans préjudice des dispositions de l'article 13 de cette Directive.

Amendment 659
Julia Reda, Nessa Childers

Proposal for a directive
Article 5 e (new)

Text proposed by the Commission

Amendment

Article 5 e

User-generated content exception

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2, 3 and 4 of Directive 2001/29/EC, point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, point (a) of Article 4(1) of Directive 2009/24/EC and Article 13 of this Directive in order to allow for the digital use of quotations or extracts of works and other subject-matter comprised within user-generated content for purposes such as criticism, review, entertainment, illustration, caricature, parody or pastiche provided that the quotations or extracts:

(a) relate to works or other subject-matter that have already been lawfully made available to the public;

(b) are accompanied by the indication of the source, including the author's name, unless this turns out to be impossible; and

(c) are used in accordance with fair practice and in a manner that does not extend beyond the specific purpose for which they are being used.

2. Any contractual provision contrary to the exception provided for in this paragraph 1 shall be unenforceable.

Amendment 660
Julia Reda

Proposal for a directive
Article 5 c (new)

Text proposed by the Commission

Amendment

Article 5 c

Public lending of literary works

1. Member States shall provide for a limitation to the rights provided in Article 1 of Directive 2006/115/EC in order to allow the lending of literary works in any format to the public, where such works have been legitimately acquired. This is without prejudice to the provisions of Articles 6(2) and 6(3) of Directive 2006/115/EC .

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

3. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, and Article 11(1) of this Directive, permitting libraries to make reproductions of literary works in order to facilitate public lending where the literary works have been legitimately acquired, but are not available in the format or medium required as part of the lending service.

4. Member States, libraries, authors and publishers shall work together to ensure that libraries can acquire and lend on reasonable terms, including remotely, all commercially available literary works in any format, including digital, that have legally entered their collections or to which they have legal access. The Commission shall report on progress towards this goal no later than two years after ... [date of entry into force of this Directive].

Or. en

Amendment 661

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Public lending of literary works

1. Member States shall provide for an exception to the rights provided in Article 1 of Directive 2006/115/EC, permitting public libraries to lend literary works in any format to the public, including remotely, where such literary works have entered into their collections or to which they have authorised access. This is without prejudice to the provisions laid down in Article 6 of Directive 2006/115/EC.

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.

3. Member States shall, in consultation with authors, publishers and public libraries, ensure that public libraries can acquire and lend on reasonable terms, in any format, including remotely, all literary works which have already been lawfully made available to the public and have entered into their collections or to which they have authorised access.

4. Member States shall report to the Commission on the steps taken according to paragraph 3. The Commission shall facilitate the exchange of best practices among Member States and make them easily and effectively accessible to the public.

Or. en

Amendment 662

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1. Member States shall provide for a limitation to the rights provided in Article 1 of Directive 2006/115/EC in order to allow for the lending of literary and/or scientific works in any format to the public, including remotely, where these have been legitimately acquired. This is without prejudice to the provisions of Articles 6(2) and 6(3) of that Directive.

2. Any contractual provision contrary to the exception provided in paragraph 1 of this Article shall be unenforceable.

3. Member States should authorise legal circumvention of TPMs that restrict the exercise of lawful exceptions and limitations, including the derogation/exception for "public lending".

4. Without prejudice to the provisions of paragraphs 1 and 2 of this Article, Member States, libraries, authors and publishers shall work together to ensure that libraries can acquire and lend in reasonable terms, including remotely, all commercially available literary or scientific works in any format, including digital, that have legally entered their collections or to which they have legal access.

The Commission shall report on progress towards this goal no later than 2 years after(the date of entry into force of this Directive).

Or. en

Amendment 663
Angelika Niebler, Axel Voss

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Databases

Member States shall provide courts, tribunals and authorities with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for purposes of the administration of justice and public security.

Or. de

Justification

The creation and maintenance of databases providing information that is vital for the proper administration of justice must remain possible without risk of copyright infringement. In many cases, the availability of a database represents a necessary source of information for the speedy and smooth conduct of proceedings. An exception should therefore also be provided for the administration of justice and public security.

Amendment 664
Evelyn Regner, Josef Weidenholzer

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Freedom of Panorama

Member States shall provide for an exception that grants the right to reproduce works permanently located in public spaces by way of still or moving images and to distribute and communicate to the public such images in full or in parts.

Or. en

Amendment 665

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide for an exception that grants the right to reproduce works permanently located in public spaces by way of still or moving images and to distribute and communicate to the public such images in full or in parts.

Or. en

Amendment 666

Jens Rohde

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places and created by private individuals, with the exception of any usage related to a commercial purpose.

2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

Justification

There should be an exception to copyright as regards the reproduction and use of works located permanently in the public sphere in order to stimulate innovation and allow for enhanced partaking in cultural goods. However, such an exception should be limited to non-commercial purposes in order not to undermine national structures to finance and support the cultural sectors.

Amendment 667

Julia Reda, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 5 d (new)

Text proposed by the Commission

Amendment

Article 5 d

Freedom of Panorama

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places.

2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

Amendment 668

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Sergio Gaetano Cofferati

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Member States shall provide for an exception or limitation to the rights to use photographs, video footage or other images of works permanently placed in public spaces.

Or. en

Amendment 669

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

General de minimis exception

1. Member States shall provide for an exception or limitation to the rights provided for in Article 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, and Article 4(1)(a) of Directive 2009/24/EC, to the extent justified by the non-commercial purpose to be achieved, regardless of the format or medium used, in the following cases:

(a) uses for the benefit of persons with a disability, which is directly related to the disability, to the extent required by the specific disability;

(b) reproduction, communication to the public or making available of published articles on current economic, political or religious topics or of broadcast works or other subject-matter of the same character, in cases where such use is not expressly reserved, and as long as the source, including the author's name, is indicated or use of works or other subject-matter in connection with the reporting of current events, to the extent justified by

the informatory purpose and as long as the source, including the author's name, is indicated, unless this turns out to be impossible;

(c) quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, that, unless this turns out to be impossible, the source, including the author's name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purpose;

(d) uses for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings;

(e) use of political speeches as well as extracts of public lectures or similar works or subject-matter to the extent justified by the informatory purpose and provided that the source, including the author's name, is indicated, except where this turns out to be impossible;

(f) incidental inclusion of a work or other subject-matter in other material;

(g) uses for the purpose of caricature, parody or pastiche;

(h) uses in connection with the demonstration or repair of equipment, or the reconstruction of an original or a copy of a work;

(i) making of a back-up copy of a work by a person having a right to use it and insofar as it is necessary for that use;

2. Any other use that is analogous to the uses enumerated in paragraph 1 is permitted provided that the corresponding requirements of the relevant exceptions or limitations are met and the use does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the

authors or rightholders, and taking account of the legitimate interests of third parties.

Or. en

Amendment 670
Julia Reda

Proposal for a directive
Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

Access for the purposes of research or private study to the collections of cultural heritage institutions or educational establishments

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive for the communication or making available of works and other subject matter contained in the collections of cultural heritage institutions, or educational establishments, for the purpose of research or private study, to members of the public on the premises of those institutions, or establishments and online.

2. Any contractual provision contrary to the exception set out in paragraph (1) shall be unenforceable.

Or. en

Amendment 671
Julia Reda

Proposal for a directive
Article 5 f (new)

Text proposed by the Commission

Amendment

Article 5 f

Mutual recognition of public domain provisions

Member States shall recognize works and other subject matter to be in the public domain if such works are exempted from copyright protection in the country of origin of the works.

Or. en

Amendment 672

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

L'article 5, paragraphe 5, et l'article 6, paragraphe 4, premier, troisième et cinquième alinéas, de la directive 2001/29/CE s'appliquent aux exceptions et à la limitation prévues dans le présent titre.

1. L'accès au contenu couvert par une exception prévue dans la présente directive ne donne pas droit à l'utilisateur d'en faire une autre utilisation en application d'une autre exception.

2. L'article 5, paragraphe 5, et l'article 6, paragraphe 4, premier, troisième, quatrième et cinquième alinéas, de la directive 2001/29/CE s'appliquent aux exceptions et à la limitation prévues dans le présent titre.

Or. fr